U.S. Attorney General Edward Levi

Can He Restore Confidence in the Justice Department?

by Robert Walters

President Ford strolling with Attorney General Edward Levi, who is taking on a tough job at a critical time. He is considered to be one of Ford's best appointments.

WASHINGTON, D.C.

Are one-third of all Communist-bloc diplomats, trade representatives and other officials entering this country actually foreign intelligence officers?

Will the infamous "French connection" for the illegal distribution of Turkish-grown heroin in the United States be reestablished later this year?

Is the government's strategy to capture and deport the estimated 6 to 8 million aliens who have illegally entered this country feasible or advisable?

The man who has to find the answers to those tough questions—and a host of others equally difficult and complex—is Edward Hirsch Levi, a 64-year-old lawyer who earlier this year resigned as president of the University of Chicago to accept President Ford's nomination to become the nation's attorney general.

One measure of the crisis facing the Justice Department can be found in the exceptionally high rate of turnover in the post Levi has assumed. He is the fifth man in three years to hold the title of attorney general—and two of his recent predecessors (John N. Mitchell and Richard G. Kleindienst) have been convicted of crimes committed while they served as the nation's highest law enforcement official.

In addition to the task of restoring public confidence in the Justice Department, Levi is confronted with scores of other problems, such as the seemingly unstoppable rise in the crime rate. In one of his first speeches as attorney general, Levi offered this grim picture:

"The FBI's latest figures indicate that the rate of serious crime—murder, forcible rape, robbery, aggravated assault, burglary, larceny and auto theft—was 17 percent higher in 1974 than in 1973.

"That is the biggest increase in the 42 years the Bureau has been collecting statistics. Since 1960, the rate has increased about 200 percent . . . Impersonal, passionless murder on the street has come to symbolize to many people the insecurity of living in crowded urban environments."

Levi's response to that situation was a proposal that swept him into the emotional national debate over gun control: In major metropolitan areas throughout the country "where the violent crime rate has reached the critical level," he would ban the possession of all handguns—not just "Saturday night specials"—outside homes and places of business.

The ban "would cover not only central cities but also the suburban regions around them," Levi noted. At the same time, however, "it would leave unaffected the use of handguns in vast areas of the nation, in cities where violence has not reached emergency proportions and in rural areas where handgun use is both less threatening and more legitimate."

Departmental crisis

In addition to dealing with such obvious problems as street crime and gun control, Levi faces less publicized but equally serious crisis situations both within the Justice Department and in the semi-independent agencies that operate under his control.

In that latter category are the FBI, Immigration and Naturalization Service, Law Enforcement Assistance Administration—all of which have been criticized in a confidential survey of Justice Department operations conducted by the White House shortly before Levi was named attorney general.

The findings of that survey are contained in a report—here detailed for the first time—prepared by the Office of Management and Budget, the White House's policy and planning arm, in connection with the federal government's budget for the fiscal year beginning July 1.

In that document, the FBI is taken to task because of its request for 310 new agents and $11 million in additional appropriations for a greatly expanded counterintelligence program aimed at officials of Communist nations entering this country.

"The FBI maintains that one-third of all Communist-bloc officials are foreign intelligence officers and as such require constant surveillance by the Bureau," says the report. "They have reassigned agents from other investigative areas to counterintelligence and would like to provide 100 percent coverage of all persons believed to be intelligence operatives."

That program was initially rejected by the Office of Management and Budget on the grounds that "there have been no additional requirements levied on the FBI in the counterintelligence area and the expanded program is solely an FBI initiative."

Debate goes on

Similarly, the request for money to acquire new counterintelligence equipment was first turned down because "other intelligence agencies are heavily involved in developing such equipment."

In the final version of the budget, the FBI received virtually everything it

wanted—but the debate over the scope of its counterintelligence activities still has not been resolved.

The White House planners reserved some of their harshest criticism for the Immigration and Naturalization Service's plan on illegal aliens. The memo cites "major disagreement" with that strategy on the grounds that "this approach holds little prospect for coping with the problem over the long term."

The problem cannot be solved "by merely adding enforcement personnel to apprehend and expel illegal aliens, who then reenter the country and perpetuate the cycle," argues the White House report. What is needed, it adds, is legislation prohibiting illegal aliens from holding jobs in this country.

The report also accuses the immigration service of seeking to "dramatize" its claimed lack of money and manpower by cutting back the number of agents assigned to routine passenger inspection at ports of entry, thus creating long lines at airports and public pressure for a bigger budget.

Levi, who likes to wear bow ties, appears with FBI Director Clarence Kelley at House Judiciary Committee inquiry into the surveillance of Congressmen.

Fear heroin upsurge

The Drug Enforcement Administration is criticized by the White House analysts because of its fear that "availability of heroin will increase in the United States by 10 to 40 percent and the 'French connection' will be reestablished" as a result of Turkey's decision to allow farmers to resume cultivation of opium poppies.

"DEA is very pessimistic regarding the Turks' capability to implement and police sufficient controls to preclude a massive diversion of heroin from Turkey to the United States," says the confidential report, which then pointedly notes disagreement:

"At present the State Department and the United Nations are conferring with Turkish officials to insure that sufficient controls are implemented and policed. Both are very optimistic regarding Turkey's ability to . . . reduce diversion to the United States."

Turning to the Law Enforcement Assistance Administration, the survey credits the agency with making significant contributions in the field of improved training, equipment and communications facilities available to state and local law enforcement organizations.

But it adds: "On the other hand, LEAA funds have been used for projects which have little or no relationship to improving criminal justice programming, funds are so widely dispersed that their potential impact is reduced, the absence of program evaluation severely limits the agency's ability to identify useful projects . . . and too frequently LEAA funds have been used to subsidize the procurement of interesting but unnecessary equipment."

In recent years, the "interesting but unnecessary equipment" purchased by state and local police departments with federal funds has included armored vehicles, tear gas foggers, overpriced communications devices and other paramilitary gear. Three years ago, a Congressional committee charged that the LEAA programs that allowed those practices "have too often been characterized by inefficiency, waste, maladministration and, in some cases, corruption."

Levi's problems don't end there. There is, as the White House report notes, a high price to be paid for the belated realization among federal prosecutors that "white collar" crime and organized crime deserve the same attention that traditionally has been focused on so-called "street crime."

The White House report points out that in 1973 those more sophisticated forms of crime comprised only about 15 percent of the work load of Justice Department prosecutors, but "they required about 40 percent of the manpower due to their complexity."

Demand for reform

In addition, Levi's agenda is filled with literally scores of other pressing problems—including such controversial matters as prison reform, modernization of the court system, allegations of massive corruption within the Drug Enforcement Administration and the continuing debate over government "spying" on American citizens.

"We have lived in a time of change and corrosive skepticism and cynicism concerning the administration of justice," the new attorney general noted when he was sworn in earlier this year. "If we are to have a government of laws and not of men, then it particularly takes dedicated men and women to accomplish this through their zeal and determination, and also their concern for fairness and impartiality."

Levi obviously is aware of the difficulties he faces. In the coming months, he either will successfully surmount them or become another in an increasingly long line of short-term attorneys general whose tenure or temperament prevented them from providing the leadership the Justice Department so desperately needs.

Both Levi and his wife Kate are noted for their sense of humor. As this photo of swearing-in by Justice Lewis Powell shows, Kate is taller than her husband. When they posed for today's cover, she good-naturedly slipped off her shoes.

FAMILY SIDELIGHTS

Edward H. Levi and his wife, Kate, both compiled a long record of distinguished public service prior to their arrival in Washington earlier this year, when he became the nation's 71st attorney general.

Born in Chicago in 1911, Levi has spent most of his life not only living in that city but working with one institution, the University of Chicago.

Levi left Chicago in 1935 for graduate studies at Yale University, but he returned the following year to become an assistant professor of law at the University of Chicago.

He took a leave of absence in 1940 to serve in the Justice Department's antitrust division and war division during World War II, then returned to the law school as a full professor in 1945.

In 1950, he was named dean of the law school, followed by promotions to provost in 1962 and president of the university in 1968—the post he held when he was nominated to head the Justice Department.

Mrs. Levi, also a native of Chicago, received her undergraduate degree from Sweet Briar College, then did graduate work in political science at the University of Chicago.

She worked for former Sen. Paul Douglas, an Illinois Democrat, first during his tenure as a Chicago alderman and later in his first campaign for a Senate seat.

During World War II, she worked for the War Manpower Commission, then resigned to marry. "I have absolutely no regrets about getting married," she says with a smile, "but I'm sorry I quit work."

The Levis have three sons: Michael, 19, a sophomore at Harvard University; David, 23, a graduate student at Harvard, and John, 26, a lawyer.